

CITY OF BELMONT

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, OCTOBER 21, 2008, 7:00 PM

Chair Parsons called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Frautschi, Reed, McKenzie, Mayer, Mercer

Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Assistant Planner Gill (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS – None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of September 16, 2008

MOTION: By Commissioner McKenzie, seconded by Vice Chair Horton, to accept the Minutes of September 16, 2008, as presented.

Ayes: McKenzie, Horton, Mercer, Mayer, Frautschi, Parsons

Noes: None

Abstain: Reed

Motion passed 6/0/1

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2411 Lincoln Avenue

To consider a Single Family Design Review to convert 854 square feet of unfinished space (below the main living area) to habitable floor area, resulting in a 2,914 square foot dwelling (2,914 sq. ft. maximum building size permitted for this site).

Appl. No.: PA 2008-0050; APN: 043-281-290; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: Bruce Winchell, Architect

Owner: Irene Alejo

Project Planner: Rob Gill (650) 598-4204

AP Gill summarized the Staff Report as well as an e-mail that included an analysis of the hardscape, recommending approval subject to the conditions attached. He had also distributed comments received from Commissioner Frautschi.

AP Gill stated that the first sentence of the Conditions of Approval, Page 2, Condition 6, will be corrected to read as shown in the Staff Report: "Conversion of the new lower floor addition to create...."

Chair Parsons questioned why the furnace and laundry room areas were not included in the floor area ratio, since it has a hard floor area, dry wall on at least two walls, electricity and two access points and is probably

being used every day if the family has children or elderly parents. CDD de Melo responded that staff looked at the last part of the definition of floor area, which reads "unfinished floor area existing as of August 23, 2001 shall not be made habitable such that the total habitable floor area exceeds the maximum floor area allowed in the zone." He added that they would be more likely to count it as floor area if there was heat, windows, carpeted or hardwood floors, outlets and lighting or the makings of a space that one could inhabit, and that if this property owner or any future property owner would seek to create habitable space they would be challenged because they are at their floor area limit. Chair Parsons stated that his idea of uninhabitable space is somewhere that one might put a few boxes and never go in there but if it is being used every day he believed it should be considered as floor area.

Responding to questions from the Commission, Bruce Winchell, architect, stated that: 1) the laundry room is unfinished existing space – there is no wall dividing it from the unfinished basement; 2) electric, gas and plumbing are already in the existing space for the furnace and water heater; everything is there except a drain; 3) the solid waste pump is required to get the sewage out of the house up to the street.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Reed, seconded by Commission Frautschi, to close the Public Hearing. Motion passed 7/0 by a show of hands.

Commissioners commented as follows:

Commissioner Frautschi:

- Cited the photograph of the front of the building as an example of why hardscape needs to be reduced in the front yards. It is only being reduced by 5%.
- Felt that the proposed laundry room needs to be boxed in and if the square footage goes over the allowable FAR, they should either ask for an exception or lower the ceiling.
- Could not approve as is because there is too much possibility for wrong doing, noting that the previous owner did everything without permits.
- Would like to see the project come back with the laundry room boxed off, a complete counting of the square footage, and the elimination of the door into the unfinished basement area. The window at the front could be replaced with a door in order to access the storage area. The Commission's standard has always been that anything over 6½ feet tall counts towards FAR.
- Would vote for continuing the project.

Commissioner Mayer:

- Willing to give the benefit of the doubt and could accept the proposal as is.

Commissioner Reed:

- Understood what Commissioner Frautschi was saying but did not think that the Commission could prejudge what a homeowner is going to do based on what a previous homeowner did.
- Had no problem approving the project and could make the findings.

Commissioner Mercer:

- Shared Commissioner Frautschi's discomfort with the ease with which the space could be converted and the fact that one weekend of carpet and sheetrock would make it livable.
- Suggested adding a second covenant saying that the unfinished space shall not be converted to habitable area, similar to the note that is on the plans. In that way it would be noted in two places for a future buyer or architect looking to do a remodel.
- Believed that a 75% hardscape is a real devaluation to the neighborhood and is not acceptable. City code is that front yards can be paved but not parked on; she drove by the property the previous day and a vehicle was parked on it.
- Would endorse a condition that some of the hardscape come out in the front or back in order to reduce the net for the entire lot. She believed the water runoff from the steep slope is a hazard to the rest of the neighborhood.

Commissioner McKenzie:

- Concurred with Commissioner Mercer about the hardscape, and that the front yard should be non-hardscape and the driveway should be hardscape. He would want to see additional hardscape removed than

what is proposed.

- Regarding the unfinished basement, he felt that it would not be an issue if the washer and dryer were not shown on the plan, or if they were moved to another corner of the unfinished basement.
- Could approve the plan for the unfinished basement area issue but not the hardscape.

Vice Chair Horton:

- Saw the washer and dryer as being in something like a garage and not habitable space, and felt that recording something that says the owners could not finish off the basement would be enabling bad behavior when buying a house – ignorance of the law is no excuse.
- She felt that the space to the right of the front door on the other side of the garage should not have any hardscape on it at all other than the sidewalk, and that there is more parking area in front of the garage than there should be. She added that people should not be parking on those streets so if they eked another car onto the front yard on the garage side it would be better than having a fire truck be unable to get down the street.

Chair Parsons:

- Felt that there is room in the family room for the washer and dryer in a closet-type area and would rather see that happen than approve something that has a washer and dryer in an area that is supposed to be unfinished and uninhabitable. Suggested that there is a problem with the City code. He disagreed philosophically and maybe even legally on the issue of whether the washer and dryer is usable space and should be included in the FAR. He would prefer to see restrictions put on the title if they approve the project tonight that says that these spaces cannot be used as a secondary unit and that the unfinished basement cannot be inhabited.
- Agreed with Vice Chair Horton that the front yard needs to be landscaped from the sidewalk over to the far side of the house and would also like to see some landscaping on the other side of the driveway so that there is some place for some of the water to run off.

MOTION: By Vice Chair Horton, seconded by Commissioner Mayer, to adopt the Resolution approving a Single-Family Design Review at 2411 Lincoln Avenue (Appl. No. 2008-0050)

The project shall reflect the removal of existing paving/hardscape in the front yard area, and installation of landscaping for this area. Such landscape plan shall be subject to review and approval by the Community Development Department.

Ayes: Horton, Mayer, McKenzie, Reed

Noes: Mercer, Frautschi, Parsons

Motion passed 4/3

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

5B. PUBLIC HEARING – 2700 Monserat Avenue

The applicant proposes a Floor Area Exception and Single Family Design Review for a 469- square-foot expansion of an existing single-family home, resulting in a total of 3,244 square feet where 2,775 square feet is the maximum permitted for the site.

Appl. No.: PA 2008-0040; APN: 043-321-460; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301

Applicant: Vern Wiebe

Owner: Craig Howard

Project Planner: Damon DiDonato (650) 637-2908

SP DiDonato summarized the Staff Report, recommending approval as conditioned, and provided a summary of the outreach that was undertaken over the past weekend, as well as two letters in opposition to the project.

Responding to questions from the Commission, staff clarified that in addition to the reduction of 956 sq.ft. mentioned in the Staff Report, 314 sq.ft. is being removed from the middle level, that the entire building walls will be taken down and the original footprint of the home will be restored, and that a portion of the deck will also be removed.

Responding to questions from Vice Chair Horton and Commissioner Mercer, Vern Wiebe, project architect, stated that the lack of a closet for the mid-level master suite will be addressed with armoires, and since there will be only two bathrooms, the public will be sharing the master suite bathroom.

Vice Chair Horton thanked the architect for the very nice paper presentation.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Reed, seconded by Commissioner McKenzie, to close the Public Hearing. Motion passed 7/0 by a show of hands.

Commissioners commented as follows:

Commissioner Reed:

The house currently has a FAR of .54, which is the largest of the 31 houses in the area, and the permitted house at 2775 sq.ft. would rank number 9 in terms of FAR. The remodel will take it from its current position of #1 to #4, which is an improvement. He could make all of the findings and was inclined to approve the project.

Commissioner Mayer:

This home has a long, complicated and unhappy past, and he thought that the willingness of the current applicant to scale things down, try to not continue the conflict and work with the City to come up with a solution that is satisfactory to both sides was a good and positive one. He thought that it resulted in a much more palatable development that is in better conformance with codes and could therefore support the current proposal.

Commissioner Frautschi:

- Thanked Ms. Patel and Ms. Spring for their letters expressing concern about larger homes in their neighborhood.
- Comment to Mr. Wiebe that his neighborhood outreach letter of October 13th was not a complete and accurate statement of what is being proposed with this project since it did not mention that the applicant was seeking a floor area exception, and he did not believe that the 3-day period was adequate notification for neighbors to give appropriate feedback.
- His analysis was based on the floor area exception. The request results in an 18% increase in the floor area. Of the 31 properties surveyed for the floor area exception analysis on this property as proposed, this would be the second largest in exact square footage of 3244 sq.ft. with the largest comparable house at 2710 Monserat Avenue being 3398 sq.ft., though it is on a much larger lot. It would be the third largest in FAR comparisons with the two larger comparable homes at 2711 and 2715 Monserat being around 2600 sq.ft. – nearly 600 sq.ft. smaller than this proposal.
- Section 4.2.10 of the Zoning Ordinance gives Planning Commissioners three guidelines:
 - 1) Exceptions to a single-family floor area standard may be granted to prevent or lessen inconsistencies in floor area ratio standards among neighboring properties. In his opinion, this is not supported by the comparison data presented in the Staff Report.
 - 2) Exceptions to a single-family floor area standard may be granted to provide adequate off-street parking, which is not applicable with this application.
 - 3) Exceptions to single-family floor area standards may be granted when it would not be a grant of special privilege or be inconsistent with the intent of the general plan or zoning ordinance. He cited a number of examples of problems with the application with respect to this guideline, such as: a) a current acceptable practice of less development on steeper slopes over 30% and the report states that this lot is at a 45% slope; b) there might be an increased intensification of use with the larger floor area, which this larger floor area may accommodate; and c) potential impacts on the adjoining properties and infrastructure of a larger structure here. He therefore believed that this would be a grant of special privilege since the applicant does have full and complete use of his property at the square footage of 2775 feet and it is in line with other comparable properties in the neighborhood. If this house were being built today with the standards outlined in Zoning Code Section 4.2.3(d) it would only be allowed 2077 square feet due to the slope and the size of the lot. The applicant is already 698 sq.ft. beyond what current standards would allow.
- His consideration and opinion of the single family-design is moot because he could not find for the granting of a floor area exception, but thought the architect did a commendable job with what he had to work with.
- Would vote to deny the application based on his analysis that granting the floor area exception would not

prevent or lessen inconsistencies in floor area ratio standards on neighboring properties, that it in fact would exacerbate these ratios, and on the grounds of granting of special privilege.

Commissioner Mercer:

- This house never should have been approved in 1978; the footprint and total box enclosing the bulk of the house is at least 50% larger than it should have been.
- Appreciated that the applicant is going to be bringing the entire structure up to code, which increases the value of the neighborhood.
- Felt that, because the house is on such a slope and the land is so fragile, the additional labor of hauling all the stuff off and taking it out might be more of a nuisance to the neighborhood than just leaving it there.
- Since the workroom which will not now be a workroom could very easily be made inhabitable she wanted something on the deed that it is not habitable space and not permitted.
- With that addition, she could make all the findings.

Commissioner McKenzie:

- Commended the architect for the exceptional plans that made it easy to follow what is going to be removed and what is going to be added.
- Felt that the FAR fits within the upper end of the neighborhood range and was pleased to see that the applicant is proposing to remove space and bring the property into legal compliance.
- However, adding another 469 feet to this originally illegal building space was questionable to him. He wondered what would be done about removing any space of the existing floor plan if the 469 feet were not added, and had trouble with the 469-sq.ft. addition to an already over-enlarged house.

Vice Chair Horton:

- Glad to see the end of this project and to see it brought into compliance. The original house encroached into setbacks and offended neighbors in a couple of ways. The back side of the house is huge and unfortunate but its there and the removal of the areas that were encroaching – the decks, the stairs, the parking on the street and what was really a secondary unit – is where the Commission tried to get to get to some time ago.
- Believed the floor area exception is reasonable and not unlike some of the others the Commission has granted and that now that it is a 2-bedroom, 2-bath house they should not have so much concern about the parking.
- She could find for the project.

Chair Parsons:

- Thanked the architect for the very clear drawings.
- Had an issue with granting an exception and was not sure where he stood on that question. If the space didn't already exist he would probably vote against it because he felt it would be granting of a special privilege. The other large houses on Monserat are on larger lots.

Commissioner Frautschi asked that the Floor Area Exception and the Single-Family Design Review be considered as separate motions.

MOTION: By Commissioner Reed, seconded by Commissioner Mayer, to adopt a Resolution approving a Floor Area Exception at 2700 Monserat Avenue (Appl. No. 2008-0040)

Ayes: Reed, Mayer, Mercer, McKenzie, Horton, Parsons
Noes: Frautschi

Motion passed 6/1

MOTION: By Commissioner Reed, seconded by Commissioner McKenzie, to adopt a Resolution approving a Single-Family Design Review at 2700 Monserat Avenue (Appl. No. 2008-0040), with the amendment by Commissioner Mercer that a covenant be placed on the deed prohibiting the conversion of the lower space into habitable space.

Ayes: Reed, McKenzie, Mercer, Mayer, Frautschi, Parsons
Noes: Horton

Motion passed 6/1

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

Commissioner McKenzie excused himself from the balance of the meeting in order to catch a plane.

6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

6A. Motel 6 – 1101 Shoreway Road

No update relative to security issues. Staff continues to meet with the property owner related to master development of the site, and he has had good meetings with the current tenant about master development of the site and the issues related to security.

6B. NDNU (Koret) Athletic Field

A Task Force meeting had been held the previous Wednesday that was largely productive and he will move convene the next meeting in mid-November. He expects the Task Force to ultimately draft some amended conditions of approval for the field that can be presented to the Planning Commission.

6C. Charles Armstrong School – 1405 Solana Drive

No update as of now but it is definitely time for them to discuss the park issue. It has been 30 days with no response; he will follow up.

6D. Ralston/US-101 Landscape Project

Will follow up with the City Manager's office to determine the status of discussions with the Redwood City City Manager.

6E. 1527 Ralston Avenue

This is an existing single-family home that is in need of paint and landscaping improvements, and has had past issues related to parked cars and miscellaneous litter in other portions of the yard. He visited the site the previous week and it looked relatively free of the litter and the cars looked to be parked in a consistent fashion. The Code Enforcement Officer informed him that the owner has received a letter about past violations and if the same issues present themselves within the next year a citation will be issued.

6F. Emmett House – 1000 O'Neill

The subcommittee was scheduled to meet the following day at 4:00. Plans and an agenda had been distributed.

Commissioner Frautschi asked if there are any plans to winterize the lot, since the rainy season is approaching. CDD de Melo stated that he would follow up to make sure the site does not present an erosion control issue. Chair Parsons noted that there are trash piles in the back on both sides that are rat catchers and attractive nuisances to children, and added that the building has exposed plywood all the way around the building, and if it is not waterproof plywood, rain would do damage to the house. He suggested that somebody needs to protect the City's investment by making sure that it is covered if they are not going to do any construction before the rainy season, and that the trash is removed.

6G. San Mateo Development – North Road/43rd Avenue

San Mateo Planners have informed staff that they do not have records related to past encroachment permits or past construction. Associate Planner Walker was scheduled to confirm that. Encroachment permits that they have submitted are being held until the issue is solved with the Public Works Department, which has been directed not to approve them. Chair Parsons stated that he hoped AP Walker goes there with the full understanding that she is looking for an easement on the San Mateo line that allowed all of those facilities to have access from the back of their stores. He did not see why Belmont should have to service all the garbage that comes out of restaurants and stores that are in San Mateo.

Commissioner Reed stated that he was glad that the El Camino end of North Avenue is getting some attention but noted that the remainder of North Avenue needs to be given some attention by the City as well. He asked if there are plans for the strip from El Camino to Malcom in terms of cleaning it up and/or

landscaping. Commissioner Frautschi recommend that Commissioner Reed attend a Park & Rec Commission meeting and make a request to them through their tree board that they designate the site as an improvement site.

6H. 900 Sixth Avenue – Belmont Vista Facility
Will have an update on the two dead trees at the next meeting.

6I. Safeway – 1101 El Camino Real
Believed there are some plantings that are not doing well at this property but they have done their steam cleaning and grate popping.

Other Reports:

Commissioner Reed questioned the status of the red-tagged house on Alameda de las Pulgas, expressing concern about stability issues when the weather turns inclement. CA Zafferano advised that his office is exploring a number of different alternatives, including the possibility of criminal enforcement to get the owners attention to do something with that property. He will have an update for the Commission at either the next meeting or in his monthly memo to the Commission.

Commissioner Frautschi thanked the City Attorney's office for the monthly update they have been receiving.

Vice Chair Horton stated that she will not be present at the next meeting.

Commissioner Mercer reported on her attendance at the last City Council meeting, noting that the Council decided to send the Tree Ordinance to the Planning Commission to look for improvements.

9. CITY COUNCIL MEETING OF WEDNESDAY, NOVEMBER 12, 2008

Liaison: Chair Parsons
Alternate Liaison: Commissioner Mayer

9. ADJOURNMENT:

The meeting was adjourned at 8:19 p.m. to a Regular Planning Commission Meeting on Thursday, November 6, 2008 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.

Please call (650) 595-7416 to schedule an appointment.